

REMARKS

Preliminary Matters

Claims 1, 3-6, 8-23, and 25-53 are presented for reconsideration. Claims 2, 7, and 24 have been canceled. Claims 1, 3, 4, 8-11, 21, and 25-28 have been amended.

Objections to Claims

Claims 2, 7, 11, 15, 20, 24, 28, 35, 40, 48 and 53 were objected to, but were deemed to recite allowable subject matter.

Claim 2 has been canceled, and its limitations incorporated into its base claim 1.

Claim 7 has been canceled, and its limitations incorporated into its base claim 4.

Claim 11 has been rewritten in independent form, incorporating all the limitation of its base claim 4.

Claim 24 has been canceled, and its limitations incorporated into its base claim 21.

Claim 28 has been rewritten in independent form, incorporating all the limitation of its base claim 21.

Claims 15, 20 (depending from independent claim 12); claims 35, 40 (depending from independent claim 29), and claims 48, 53 (depending from independent claim 41) all depend from base claims that were rejected only under 35 U.S.C. § 103. These claims are believed to be allowable as depending from

allowable claims for the reasons given below in the discussion of the rejections under 35 U.S.C. § 103. Applicant believes that the objections to these claims are now overcome.

Rejections Under 35 U.S.C. § 102

Claims 1, 3-6, 8-10, 21-23, and 25-27 were rejected under 35 U.S.C. § 102(b) as being anticipated by Shrote, U.S. Patent No. 5,774,358.

Regarding independent claim 1, the limitations of claim 2 depending therefrom, which was deemed to recite allowable subject matter, have been incorporated therein. Thus, the rejection of claim 1 under 35 U.S.C. § 102(b) is believed to be overcome.

Claim 3, depending from claim 1, is now believed to be allowable as depending from an independent claim. Claim 3 has been amended in order to conform to antecedents of amended claim 1.

Regarding independent claim 4, the limitations of claim 7 depending therefrom, which was deemed to recite allowable subject matter, have been incorporated therein. Thus, the rejection of claim 4 under 35 U.S.C. § 102(b) is believed to be overcome.

Claims 5-6 and 8-10, depending from claim 4, are now believed to be allowable as depending from an allowable claim. Claims 8-10 have been amended in order to conform to antecedents of amended claim 4.

Regarding independent claim 21, the limitations of claim 24 depending therefrom, which was deemed to recite allowable subject matter, have been

incorporated therein. Thus, the rejection of claim 21 under 35 U.S.C. § 102(b) is believed to be overcome.

Claims 21-23 and 25-27, depending from claim 21, are now believed to be allowable as depending from an allowable claim. Claims 25-27 have been amended in order to conform to antecedents of amended claim 21.

Rejections Under 35 U.S.C. § 103

Claims 12-14, 16-19, 29-34, 36-39, 41-47, and 49-52 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Shrote in view of Hekmatpour, U.S. Patent Application Publication No. 2002/0002698.

Hekmatpour has a publication date of 3 January 2002, which is less than 1 year prior to the filing date hereof. Applicant submits herewith a Declaration pursuant to 37 C.F.R. § 1.131 to establish conception of the subject matter of the rejected claims prior to the publication date of Hekmatpour, and to prove that constructive reduction to practice of the invention proceeded with due diligence from a date prior to the publication date of Hekmatpour up to the date of filing of the Application hereof. Consequently, Applicants submit that Hekmatpour may not be considered prior art against the Application under 35 U.S.C. § 102(a), but only under 35 U.S.C. § 102(e).

Applicants note, however, that at the time the invention was made, the inventors were employees of International Business Machines Corporation (IBM) and were subject to an obligation to assign the invention to IBM. The assignment of the Application has been duly recorded at in the United States Patent and Trademark Office at Reel 013091, Frame 0069. Hekmatpour is likewise assigned to International

Business Machines Corporation. Therefore, Applicants believe that Hekmatpour is disqualified as 35 U.S.C. § 102(e) prior art against the Application pursuant to 35 U.S.C. 103(c).

Applicants thus urge that the obviousness rejections are overcome, and that claims 12-14, 16-19, 29-34, 36-39, 41-47, and 49-52 are allowable.

Concluding Matters

It is believed that the amendments and remarks presented hereinabove are fully responsive to all the grounds of rejection and objections raised by the Examiner, and that the Application is now in order for allowance.

Applicant thanks the Examiner for his thorough consideration of the Application and appreciates the careful analysis of the art cited therein.

Respectfully submitted,
BROWDY AND NEIMARK, P.L.L.C.
Attorneys for Applicant

By Ronni S. Jillions
Ronni S. Jillions
Registration No. 31,979

RSJ:ft
Telephone No.: (202) 628-5197
Facsimile No.: (202) 737-3528
G:\BN\NC\colb\Adir1\PTO\260504AMDT.doc